

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 (831) 427-4863

W13d

Filed: 5/13/03
 49th day: 7/1/03
 180th day: 11/09/03
 Staff: JB-SC
 Staff report prepared: 7/17/03
 Hearing date: 8/6/03
 Hearing item number: W13d

COASTAL DEVELOPMENT PERMIT APPLICATION

Application number.....3-03-051

Applicant.....Heirs of Harold Guiton

Project location.....NW corner of Surf St. and Strand Way, Oceano, San Luis Obispo County (APN 061-061-032).

Project description.....Construct a 3,000 square foot single-family residence with a 450 square foot attached garage.

Local Approval.....Approved w/ conditions (D020132P).

File documents.....Coastal Act; San Luis Obispo County Certified Local Coastal Program; County File No. D020132P – Document No. 2003-044.

Staff recommendationApproval with Conditions

Summary: The applicant proposes to construct a two-story, 25-foot tall, approximately 3,000 square foot residence on a 3,500 square foot vacant residential lot located in the Oceano Beach tract, San Luis Obispo County. The Oceano Beach tract is a pre-Coastal Act residential subdivision of small lots (mostly 3,500 s.f.) that is largely built out along the beachfront dunes in Oceano and is located directly adjacent to the Oceano Dune State Vehicular Recreation Area (ODSVRA). The site is within the Coastal Commission's permit jurisdiction by virtue of being located on historic tidelands associated with the confluence of Arroyo Grande Creek, Meadow Creek, and the Pacific Ocean. This area has been previously filled in order to build the Pismo-Oceano Airport and the surrounding neighborhoods. The Coastal Act is therefore the standard of review. The County's LCP, however, may be used for guidance.

Section 30240 of the Coastal Act calls for the protection of environmentally sensitive habitat areas and requires development to be compatible with the continuance of habitat and recreation areas. In this case, the incremental impact of this structure on the dune complex would be minimal. The project is in-fill development along a stretch of beachfront already substantially altered by the development of homes and infrastructure. The project is similar in size, scale, and design to adjacent residential structures along this stretch of coastal dunes. The proposed development is on a small vacant lot dominated by invasive ice-plant. The project is also in an area that lacks connectivity to other sensitive dune habitat areas nearby, making it virtually impossible that this site could be part of a functional foredune system.



California Coastal Commission
August 2003 Meeting in Huntington Beach

Staff: J. Bishop Approved by:

Staff recommends that the Commission **approve** the project **with conditions** that seek to protect both the habitat and recreational values of the project area consistent with Coastal Act Section 30240. These conditions include the following requirements:

- Biological monitoring for rare and endangered plant and animal species prior to construction;
- Submittal of a Sand Disposal Plan;
- Submittal of a Landscape plan that includes only the use of native, non-invasive dune plants;
- Submittal of a Drainage Plan that requires storm runoff to be contained onsite;
- Submittal of an Archaeological Resource Monitoring and Mitigation Plan;

As conditioned by this permit, the project will be consistent with Chapter 3 of the Coastal Act. The project is also consistent with Coastal Act policies regarding public access and recreation.

Staff Report Contents

I. Staff Recommendation on CDP Application.....	3
II. Conditions of Approval	3
A. Standard Conditions	3
B. Special Conditions	4
III. Recommended Findings and Declarations	6
A. Project Location and Description	6
C. Coastal Development Permit Determination.....	6
1. Environmentally Sensitive Habitat Areas (ESHA)	6
A. ESHA Policies	6
B. ESHA Analysis.....	7
C. ESHA Conclusion.....	9
2. Coastal Access and Recreation	9
a. Access and Recreation Policies	9
b. Access and Recreation Analysis.....	10
c. Access and Recreation Conclusion.....	10
3. Water Quality	11
a. Applicable Water Quality Policies.....	11
b. Water Quality Analysis and Conclusion.....	11
4. Archaeological Resources.....	11
a. Applicable Archaeological Resources Policies	11
b. Archaeological Resources Analysis and Conclusion.....	12
5. California Environmental Quality Act (CEQA).....	12
IV. Exhibits	
Exhibit 1: Project Location	
Exhibit 2: Project Plans	



Exhibit 3: Photographs of Project Area

Exhibit 4: County Findings and Conditions of Approval (March 7, 2003)

Exhibit 5: Map of Oceano-Nipomo Dunes Complex

I. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

Motion. I move that the Commission approve Coastal Development Permit Number 3-03-051 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve a Coastal Development Permit. The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

II. Conditions of Approval

A. Standard Conditions

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.



4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Scope of Permit.** This permit authorizes construction of a 3,000 square foot, 25-foot tall, two-story, single-family residence on a 3,500 square foot lot, related site preparation, driveway, decking, and courtyard, as shown in Exhibit 2 and as conditioned below.

The Permittee shall undertake the development in accordance with all approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. **Sand Disposal Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall consult with County of San Luis Obispo and the California Department of Parks and Recreation to determine appropriate sand disposal sites within the Oceano dune complex for excavated sand due to grading and site preparation. Disposal of the sand shall be done in such a way as to mimic natural dune formations, as specified by the San Luis Obispo County and California Department of Parks and Recreation. Excavated sand shall be retained within the Oceano dunes complex to the maximum extent feasible. Disposal sites, quantities, and the proposed method of sand disposal shall be subject to the review and approval of the County of San Luis Obispo, California Department of Parks and Recreation, and the Executive Director.
3. **Drainage and Erosion Control.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for Executive Director review and approval, a drainage and erosion control plan that incorporates the following provisions:

- a) **Implementation of Best Management Practices During Construction.** The Drainage and Erosion Control Plans shall identify the type and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants during construction. These measures shall be selected and designed in accordance with the California Storm Water Best Management Practices Handbook and the criteria established by the San Luis Obispo County Resource Conservation District. Among these measures, the plans shall limit the extent of land disturbance to the minimum amount necessary to construct the project; designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which shall be covered on a daily basis; provide for the installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpile areas. The plans shall also incorporate good construction housekeeping measures, including the use of dry cleanup measures whenever



possible; collecting and filtering cleanup water when dry cleanup methods are not feasible; cleaning and refueling construction equipment at designated off site maintenance areas; and the immediate clean-up of any leaks or spills.

The plans shall indicate that PRIOR TO THE COMMENCEMENT OF GRADING, the applicant shall delineate that the approved construction areas with fencing and markers to prevent land-disturbing activities from taking place outside of these areas.

- b) **Post Construction Drainage.** All runoff from the roof, driveway, decks, and other impervious surfaces shall be retained onsite to the greatest degree feasible. Runoff shall be captured and directed into designated pervious areas, percolation pits or appropriate storm drain systems. Drainage shall not be directed onto the Surf Ave. street end, or the County/State Park property directly west of the project site. The drainage plan shall demonstrate that the pervious areas, percolation pits, or drainage systems are sized and designed appropriately to accommodate runoff from the site produced from each and every storm event up to and including the 85th percentile 24-hour runoff event. In extreme storm situations (>85% storm) excess runoff shall be conveyed off-site in a non-erosive manner.
4. **Landscape Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit a Landscape Plan to the Executive Director for review and approval. The Plan shall provide for the installation of native, non-invasive dune landscaping. Invasive non-native (e.g., ice plant and Pampas Grass) and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site.
5. **Protection of Sensitive Biological Resources.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, a qualified biologist shall survey and monitor the project area for rare or endangered plant and animal species (e.g. Western Snowy Plover). Should rare or endangered plant and animal species be identified, all development shall cease and a Sensitive Biological Resource Mitigation and Monitoring Plan shall be prepared in consultation with the project biologist for review and approval by the Executive Director.
6. **Archaeology.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, a qualified archaeologist and local Native American shall survey the site for cultural and archaeological materials. In addition, the applicant shall retain a qualified archaeologist, approved by the Executive Director, as well as a qualified local Native American, to monitor all earth disturbing activities. If an area of cultural deposits is discovered at any time during the course of the project, all construction shall cease in the vicinity of the resource until a mitigation plan, prepared by a qualified professional archaeologist in consultation with local Native American groups, is completed and implemented. Prior to implementation, the mitigation plan shall be reviewed and approved by the State Historical Preservation Office and by the Executive Director of the Commission. The plan shall include measures to avoid the resources to the maximum extent practicable, and shall provide mitigation for unavoidable impacts. A report verifying that the approved mitigation plan has been completed shall be submitted to the Executive Director for review and approval prior to recommencing project construction.



7. **Compliance with Local Conditions of Approval.** All conditions of approval adopted by the County of San Luis Obispo on March 7, 2003 (attached as Exhibit 5) pursuant to an authority other than the Coastal Act continue to apply to the project (e.g., local conditions 3, 4, 5, 7, 8, 9, 10, 11, 12, and 13).

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Location and Description

The project is located in the unincorporated community of Oceano in southwestern San Luis Obispo County. The proposed development is on a vacant 3,500 square foot lot in the Oceano Beach tract. The Oceano Beach tract is a pre-Coastal Act residential subdivision built along the beachfront dunes in Oceano and is located directly adjacent to the Oceano Dune State Vehicular Recreation Area (ODSVRA). This section of beach is a component of the Nipomo-Oceano dune complex, one of the largest coastal dune fields in coastal California, which begins at Pismo Creek near the south end of the City of Pismo Beach and extends south approximately 20 miles to Point Sal in Santa Barbara County, just south of the Santa Maria River. The older, heavily vegetated, stabilized dunes extend as much as 11 miles inland. The younger, less vegetated, more active dunes extend inland up to about 1.5 miles and cover approximately 20 square miles (See Exhibit 5).

The applicant proposes to construct a 2-story, 25-foot tall, 3,000 square foot single-family residence with a 450 square foot attached garage. The project site is located in the foredune area between Strand Way (a small unimproved alleyway) and the Strand Avenue right-of-way. Strand Avenue right-of-way is a 60 foot wide undeveloped County right-of-way adjacent to land owned and managed by the California Department of Parks and Recreation (State Parks) as part of the Oceano Dunes State Vehicular Recreation Area (ODSVRA). The main access to ODSVRA is via Pier Avenue, at the north end of the residential area. From there, most vehicles turn south and travel along the shoreline area in front of the proposed project to reach the off road ride areas and beach camping areas. Directly adjacent and south of the site is the Surf Ave. street end. The street end is County owned and mostly covered with sand. The Surf Ave. street end has historically provided the neighborhood area with direct beach access (See Exhibit 1 for a Location Map).

C. Coastal Development Permit Determination

1. Environmentally Sensitive Habitat Areas (ESHA)

A. ESHA Policies



The Coastal Act is very protective of sensitive resource systems such as dunes and other environmentally sensitive habitat areas (ESHAs). The Coastal Act defines environmentally sensitive areas as follows:

Section 30107.5. *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Almost all development within ESHAs is prohibited, and adjacent development must be sited and designed so as to maintain the productivity of such natural systems. In particular, Coastal Act Section 30240 states:

Section 30240(a). *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

Section 30240(b). *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

B. ESHA Analysis

The project site is located in the Oceano dune complex. Coastal dunes are a limited resource of statewide significance that provide important habitat for rare and endangered species. Although dunes may at certain times or locations appear barren and devoid of life, this can quickly change when temperature, moisture, and disturbance conditions are right. Native dune plants are superbly adapted to life in the harsh dune environment that is subject to periodic disturbance; wind blown sand changes the contours of the ground and buries vegetation; rainfall rapidly percolates out of reach; and, lacking a distinct topsoil horizon, nutrients are quickly exhausted. Accordingly, the particular locations of dune species change over time as site conditions change. For this reason the entire dune surface, not just the particular locations of sensitive plants and animals at one point in time, must be considered and protected as ESHA.

In this case, the project site is not evaluated as ESHA. Adjacent developments combined with current uses have substantially altered the dunes in this area. Single-family residences on small lots are located on three sides of the project, while sand manipulation, active recreation, and the use of the shoreline for off-road vehicle recreation significantly diminish habitat values in this area. Although dunes are known to be dynamic and have the ability to be restored, the project site lacks connectivity with other adjacent sensitive dune habitat areas making the chance for successful habitat recovery at this location highly unlikely. It is unlikely that this site could be part of the functional foredune system. The Commission's staff biologist has concurred with these observations.

No sensitive plant or animal species have been identified as occurring on the site. Photographic evidence provided by the applicant shows that the site's vegetative cover is dominated by invasive iceplant.



Seaward of the parcel, the dunes are vegetated with non-native plants and are fairly stable. While sand moving is not a part of this permit, it is important to recognize that the area directly adjacent and seaward of the project site was bulldozed flat and allowed to vegetate with European beach grass (*Ammophila arenaria*), an invasive non-native species widely planted decades ago for dune stabilization in the general vicinity.¹ Here, because of the very large sand trapping capability of *Ammophila*, the sand movement toward the houses is generally insignificant although there has been consequent growth in dune height.

Current uses surrounding the project site diminish opportunities for native dune plants and animals to become established in this area. First, the project is surrounded by large residential structures on small lots leaving little undisturbed surface area. Second, the manipulation of the dunes directly adjacent to project has diminished opportunities for seeds to germinate. Third, the project area is a popular location for local residents to enjoy active beach recreation activities, which represents a level of use and disturbance that may preclude native species from becoming established. Fourth, the use of the shoreline for vehicle recreation may cause ongoing disturbances, and may ultimately limit the suitability of this area for sensitive animal species like the Western snowy plover.

Nevertheless, there is the potential for rare and endangered dune and plant species to be present in the project area during development. Such species do occur at other sites nearby. For example, the Western Snowy Plover listed as a threatened species by the U.S. Fish and Wildlife Service, nests in barren foredunes just to the south across Arroyo Grande Creek a few hundred yards to the south of the project site. Two plants considered threatened by the Department of Fish and Game, surf thistle (*Cirsium rothophilum*) and beach spectacle-pod (*Dithyrea maritima*), are known to occur within a few miles of the project site. To protect these resources as required by Coastal Act Section 30240, Special Condition 5 requires a qualified biologist to survey the project area for rare or endangered plant and animal species immediately prior to the commencement of construction.

Non-native invasive plants invade native habitat areas and vastly alter the ecological landscape by outcompeting and excluding native plants and animals; altering nutrient cycles, hydrology, and wildfire frequencies, and hybridizing. Rare species are particularly vulnerable to the changes brought about by non-native invaders. The most effective and efficient way to deal with weedy species is to prevent invasions. Preventing invasion is of greater conservation benefit in the long run than the far more costly and difficult efforts to control a widespread pest species. Therefore, Special Condition 4 requires the submittal of a Landscape Plan calling for only the use of native non-invasive dune species.

Finally, in order to protect the sands of the Oceano Dunes, on which sensitive native habitats depend, as well as to prevent spoils disposal from adversely impacting other sensitive habitat or recreation areas, Special Condition 2 requires the identification of a disposal site for excavated sand within the Oceano dune complex, as well as a disposal method, subject to the review and approval of the County of San Luis Obispo, the Department of Parks and Recreation, and the Executive Director.

¹ CDP 3-01-063



C. ESHA Conclusion

According to the Commission's staff Biologist, it is highly unlikely that this site could be part of a functional foredune system. The project is in-fill development along a stretch of beachfront already substantially altered. The project is similar in size, scale, and design to adjacent residential structures along this stretch of coastal dunes. The proposed development is on a vacant lot dominated by invasive iceplant and lacks connectivity to other sensitive dune habitat areas nearby. The incremental impact of this structure on the dune complex is unlikely to cause a significant disruption of environmentally sensitive habitat areas because no especially rare or valuable biological resources have been identified as occurring within the project area, and because the permit has been conditioned in a manner that prevents project implementation from disturbing any significant biological resources that may become established. With these conditions, the project is consistent with Coastal Act Section 30240.

2. Coastal Access and Recreation

a. Access and Recreation Policies

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road on the beach. Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. In particular:

Section 30210: *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211: *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30212(a): *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...*

Section 30213: *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

Section 30220: *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*



Section 30221: *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Section 30223: *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Coastal Act Section 30240(b) also protects coastal access and recreation opportunities within parks such as the Oceano Dunes State Vehicle Recreation Area. Section 30240(b) states:

Section 30240(b). *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

b. Access and Recreation Analysis

The project site is directly adjacent to public lands (State Park lands and the County road right-of-way), and is used for public access and coastal access and recreation, primarily by local residents and/or vacation renters. Most of the general public access occurs at the end of Pier Avenue, approximately a quarter mile north of the project area. Off road vehicles traverse the beach in front of the project site to access the more open dunes to the south. Surf Ave., directly south and adjacent of the project site, is a County owned street end that provides the neighborhood area with convenient vertical access to the beach.

The applicant has indicated that access to the beach using the Surf Ave. street end has been difficult lately due to a large depression that has formed. The applicant has indicated a willingness to level and improve this access route with excess sand excavated during project construction. While on the surface this appears to be a benefit to public access, this process must also be done in a manner that protects sensitive dune resources, and in a fashion that mimics naturally occurring dune terrain. Other disposal locations should also be considered in coordination with other resource protection agencies. Thus, Special Condition 2 requires coordination with the County and the Department of Parks and Recreation prior to the disposal of excess sand within the dune complex. In addition, to ensure that site drainage over time does not adversely impact recreational opportunities through erosion or sedimentation, Special Condition 3 prohibits runoff to be directed onto public lands used for access and recreation (i.e. onto the Surf Ave. street end or seaward of the project site). Finally, Special Condition 3 requires the installation of temporary orange safety netting to keep the public away from construction activities.

c. Access and Recreation Conclusion

Due to the close proximity of the site to Oceano Dune State Vehicular Recreation Area (ODSVRA) and the Surf Avenue street end, the project has the potential to disrupt public access and recreation opportunities. To minimize this impact, conditions have been attached to this permit to ensure that public access and recreational opportunities are protected. Specifically, sand disposal is to be implemented in a manner that protects access and recreation opportunities. In addition, site runoff is to be handled onsite,



and in a manner that does not cause erosion. To protect public safety, the permit conditions require temporary fencing to keep the public outside of construction areas. With these conditions, the project is consistent with the Coastal Act access and recreation policies identified above.

3. Water Quality

a. Applicable Water Quality Policies

Section 30231 of the Coastal Act provides for protection of water quality by requiring maintenance and, where feasible, restoration of the biological productivity and quality of coastal waters. This is accomplished through requiring a drainage control plan to control runoff, and by maintaining natural vegetation buffer areas of non-invasive, drought-tolerant plantings.

b. Water Quality Analysis and Conclusion

The subject vacant parcel is located in the Oceano dune complex. This site is located on historic tidelands associated with the confluence of Arroyo Grande Creek, Meadow Creek, and the Pacific Ocean. This area of dunes does not have formalized drainage or storm water collection facilities such as rain gutters or curbs to collect and direct storm water runoff. Rather, the County relies primarily on natural drainages and undeveloped land to collect runoff and filter it. Currently, the parcel is entirely covered with impervious sandy surfaces, and stormwater naturally percolates through vegetation and sand into shallow groundwater rather than running off site.

There are many elements that determine the rate at which water can be absorbed into the earth. But because sand is typically coarse, absorption is generally good. In a naturally occurring environment, we would expect the vast majority of water produced by rain to be absorbed and transported to the beach below. However, as more land is made impervious, less land is available for absorption of water. The remaining undeveloped land must be sufficient to perform natural drainage functions.

This project would result in impervious surfacing of the site through the development of the driveway, roof, decking, and patios. This type of structural development has the potential adversely impact water quality through stormwater runoff. Additionally, the proximity of this site to the shoreline and popular recreation areas further necessitates provisions to protect water quality. Thus, Special Condition 3 requires a drainage plan that will direct stormwater to pervious areas onsite and requires runoff to be handled in a non-erosive manner. Special Condition 4 requires the use of non-invasive, drought tolerant plantings. With these conditions the project is consistent with Coastal Act Section 30231.

4. Archaeological Resources

a. Applicable Archaeological Resources Policies

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be



required.

The San Luis Obispo County LCP also provides guidance on this topic as follows:

Policy1: Protection of Archaeological Resources. *The county shall provide for the protection of both known and potential archaeological resources...where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas. *Development shall require a preliminary site survey by a qualified archaeologist knowledgeable in Chumash culture prior to a determination of the potential environmental impacts of the project. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE CZLUO.]*

b. Archaeological Resources Analysis and Conclusion

The project site is located within an LCP mapped archaeologically sensitive area. Accordingly, an archaeological surface survey was conducted and no resources were discovered. However, because of the possibility of unidentified cultural resources being found during construction, Special Condition 6 requires a qualified local Native American to monitor ground disturbing activities. If archaeological resources are encountered, the special condition requires the applicant to prepare and implement an archaeological mitigation plan, in consultation with qualified local Native Americans, the Executive Director, and the State Historic Preservation Office. With this condition, the proposed development is consistent with Section 30244 of the Coastal Act and certified LCP archaeological resource policies.

5. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. As detailed by the above findings, this project has the potential to adversely impact biological resources and public access and recreation opportunities.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions that will avoid significant adverse effects on biological resources and public access and recreation opportunities. Only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.

